

SIDNEY J. COHEN, ESQ., State Bar No. 39023
SIDNEY J. COHEN PROFESSIONAL
CORPORATION
427 Grand Avenue
Oakland, CA 94610
Telephone: (510) 893-6682

Attorneys for Plaintiff
Richard Skaff

Anne D. O'Niell (SBN 120948)
Christina A. Lee (SBN 257905)
HINSHAW & CULBERTSON LLP
One California Street, 18th Floor
San Francisco, CA 94111
Telephone: (415) 362-6000
Facsimile: (415) 834-9070

Theodore L. White (*Pro Hac Vice*)
DEUTSCH, KERRIGAN & STILES
755 Magazine St.
New Orleans, LA 70130
Telephone: 504-581-5141
Facsimile: 504-593-0604
twhite@dkslaw.com

Attorneys For Defendants Ritz-Carlton Hotel
Company, LLC, SHC Half Moon Bay, LLC,
And DTRS Half Moon Bay, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD SKAFF,
Plaintiffs,

vs.

RITZ -CARLTON HOTEL
COMPANY, LLC; SHC HALF MOON BAY,
LLC; DTRS HALF
MOON BAY, LLC; and DOES 1-25, Inclusive,

Defendants.

) Case No. C 10 01115 CRB
) Civil Rights

) **STIPULATION AND ~~PROPOSED~~ ORDER**
) **FOR ENLARGEMENT OF TIME FOR**
) **PARTIES TO CONTINUE TO MEET AND**
) **CONFER AND FOR ENLARGEMENT OF**
) **TIME FOR PLAINTIFF TO FILE NOTICE**
) **OF NEED FOR MEDIATION**

) GENERAL ORDER 56, ¶¶ 4, 6
) Local Rule 6 - 2
)

1 Plaintiff RICHARD SKAFF and defendants RITZ -CARLTON HOTEL COMPANY, LLC,
 2 SHC HALF MOON BAY, LLC, and DTRS HALF MOON BAY, LLC, by and through their
 3 counsel, enter into this stipulation regarding their mutual request for an enlargement of time to
 4 continue the meet and confer process they have commenced pursuant to the terms of General Order
 5 56, Paragraph 4, and for an order enlarging the time for plaintiff to file a "Notice Of Need For
 6 Mediation," pursuant to General Order 56, Paragraph 6.

7 The parties have begun the meet and confer process with respect to the property at issue, the
 8 Ritz-Carlton Hotel at Half Moon Bay, California. Under the current guidelines set by General
 9 Order 56, the parties' meet and confer was to have been completed by August 20, 2010. The parties'
 10 meet and confer efforts to date have been cooperative, and they would like additional time to
 11 continue the process, with the goal of resolving most or all of the issues in dispute prior to any
 12 mediation allowed pursuant to the terms of General Order 56, Paragraph 6. Accordingly,
 13 IT IS SO STIPULATED THAT:

14 The parties stipulate to a request for an order enlarging the time to complete their meet and
 15 confer process through October 29, 2010. They also stipulate to the request for an order enlarging
 16 the time for plaintiff to comply with the provisions of General Order 56, Paragraph 6, which require
 17 the plaintiff to file a "Notice Of Need For Mediation", so that any such notice would have to be filed
 18 by November 8, 2010. These enlargements of time will not alter any event or deadline other than
 19 those specified in General Order 56.

20 The parties further stipulate that this Stipulation may be signed in counterparts and that
 21 signatures transmitted by facsimile or by e-mail shall be as valid and binding as original signatures.

22 Dated: August 25, 2010

SIDNEY J. COHEN PROFESSIONAL
 CORPORATION

25 By: /s/ Sidney J. Cohen

Sidney J. Cohen

Attorney For Plaintiff, Richard Skaff

1 Dated: August 25, 2010

HINSHAW & CULBERTSON LLP

2
3 By: /s/ Anne D. O'Niell

4 Anne D. O'Niell

5 Dated: August 25, 2010

DEUTSCH, KERRIGAN & STILES, LLP

6
7 By: /s/ Theodore L. White

8 Theodore L. White (*Pro Hac Vice*)

9 Attorneys For Defendants Ritz -Carlton Hotel Company,
10 LLC, SHC Half Moon Bay, LLC And DTRS Half Moon
11 Bay, LLC

12
13 **DECLARATION OF ANNE D. O'NIELL**

14 I, Anne D. O'Niell, declare:

15 1. I am counsel for defendants in this action. I am an attorney in good standing and
16 licensed to practice in the courts of the State of California, and in the federal courts of the State of
17 California, including the United States District Court for the Northern District of California. If called
18 upon to testify, I would testify as follows:

19 2. Pursuant to General Order 56 and this Court's Scheduling Order, the parties were
20 required to hold a joint site inspection by June 24, 2010 at the property and premises of the Ritz-
21 Carlton Hotel in Half Moon Bay, California. The parties sought and were granted an Order
22 enlarging the time for them to complete the joint site inspection to July 20, 2010 and enlarging the
23 time for them to complete their meet and confer process to August 20, 2010. The parties were able
24 to complete the joint site inspection by July 20, 2010, but, despite their good faith efforts, they were
25 unable to complete the meet and confer process by the August 20, 2010 deadline specified in the
26 Court's Order of June 30, 2010.

27 3. As indicated in prior submissions to this court, the Ritz-Carlton Hotel has 261
28 guestrooms and numerous other facilities, as well as extensive exterior areas, many of which include

1 items listed on plaintiff's expert's list of alleged access barriers. To date, the parties' meeting and
2 conference efforts have addressed all of the several hundred items listed on the plaintiff's expert's
3 site inspection report, but the parties have not yet reached agreement or final positions on these
4 items. While they have made progress, they will require additional time to discuss many of the
5 items at issue.

6 4. Counsel and the parties have agreed to request an enlargement of time, to October 29,
7 2010, to complete their meet and confer process, in the hope of reaching mutual agreement regarding
8 the accessibility issues alleged by the plaintiff, to avoid or limit the need for mediation.

9 5. Based on paragraphs 2 - 4 above, the parties need an enlargement of time through
10 October 29, 2010 to complete the "meet and confer" session. They also request an enlargement of
11 time until November 8, 2010 for plaintiff to file his Notice of Need For Mediation pursuant to
12 General Order 56, Paragraph 6.

13 6. With the exception of extending the meet and confer and mediation notice deadlines,
14 the extension does not effect court ordered deadlines.

15 7. A Stipulation to extend the time for Defendants to respond to the Complaint (Docket
16 No. 4) and the parties' Stipulation for an Order For Enlargement Of Time To Complete The General
17 Order 56 Joint Site Inspection And To Hold The General Order 56 "Meet And Confer" are the only
18 previous modifications in the case by Stipulation or Court Order.

19 I declare under penalty of perjury that the foregoing is true and correct.

20 Executed this 25th day of August 2010 at San Francisco, California.

21
22 
23

24 **ORDER**

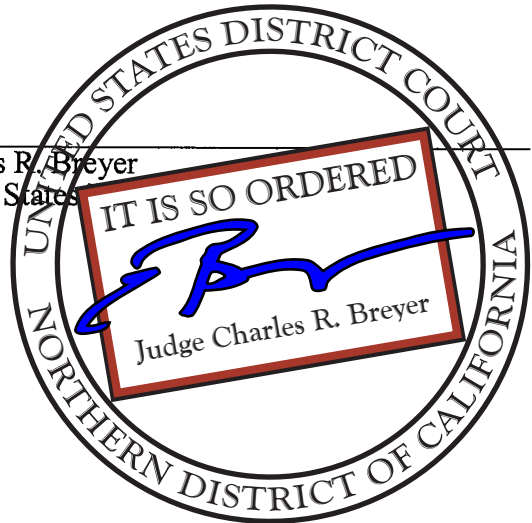
25 Having considered the parties' Stipulation and the supporting Declaration, and for good
26 cause shown, the Court enlarges the date by which the parties are to complete their meet and confer
27 pursuant to the provisions of General Order 56, Paragraph 4 to October 29, 2010, and also enlarges
28

1 the date by which the plaintiff must file his Notice Of Need For Mediation pursuant to General
2 Order 56, Paragraph 6 to November 8, 2010.

3 IT IS SO ORDERED:

4 Dated: August 26, 2010

5
6
7 Charles R. Breyer
United States



8
9 2996519v1 911380